IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL SECOND APPEAL No. 148 of 2006

RANGLAL

V/S

RAJMAL

Mr. HIMANSHU MAHESHFWARI, for the appellant / petitioner

Date of Order : 19.9.2006

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the appellant, and perused the impugned judgments of the two learned Courts below.

Both the learned Courts below have found that the suit premises are required reasonably and bonafidely by the plaintiff for establishing his son Peeru Lal by starting a business of selling kites, biscuits and hardened confectionery etc. In my view, the findings are pure findings of fact, and are not shown to be vitiated on any of the grounds available under Section 100 CPC. The appeal thus, has no force and is dismissed summarily.

At the request of the learned counsel for the appellant, the appellant is given one year's time to vacate the suit premises on the condition that the defendant gives an undertaking before the learned trial court within one month from today that on or before the expiry of the above period, he will peacefully hand over the vacant possession

of the suit premises to the plaintiff and that during this period, he will not, in any manner, transfer the possession of the suit premises to anybody. Likewise, the entire decretal amount, so also all arrears of rent, if any, shall be deposited by the appellant in the trial court within one month from today and shall further continue to deposit amount equal to the monthly rent by way of damages for use and occupation by 15th of each succeeding month, till the actual delivery of possession. In case the appellant fails to comply with any of the above conditions, the respondent will become automatically entitled to execute the decree forthwith.

(N P GUPTA),J.

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